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NOV 13 2004Superior Clipping Service
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DEQ: Troy mine can reopen

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HELENA — The state Department of Environmental Quality won't block the reopening of the Troy mine, despite concerns over liability and the barrels of unknown content recently unearthed at the mine, state officials said Friday.

At a meeting held in Helena at the request of the nonprofit environmental organization known as the Cabinet Resource Group, DEQ officials said the concerns, while valid, aren't enough to trigger the state to pull the mine's operating permit from Asarco.

"Asarco has the right to start up right now," said John North, DEQ's chief legal counsel. "There is nothing in the rules that says mining can't go forward."

DEQ director Jan Sensibaugh said the state, at this time, does not have the authority to pull Asarco's mining permit because the company has not violated the law.

But the Cabinet Resource

Group asked the state to halt the mine's reopening until the contents of the barrels are known and until the mine has put up a large enough bond to cover any water-quality problems that could develop at the mine.

"If they are allowed to operate before we get to the bottom of this, it is a cover up," Cabinet Resources Group board member Cesar Hernandez told the state Friday.

The Cabinet Resource Group has legal permission to excavate the buried barrels and test them for content and is in the process of doing just that. They say any renewed mine activity could compromise their efforts.

The group also says the mine should not be allowed to reopen until the contents of the barrels are known. If the barrels contain toxic substances, the group says the mine's current \$10.1 million reclamation bond might not be big enough to cover any potential environmental mess the barrels could cause.

North said the state knows the mine's reclamation plan must be

amended and said a new reclamation plan would likely increase the bond amount that the Troy mine must secure for the site. Sensibaugh once said Asarco's \$10.1 million bond might even need to be doubled.

Asarco is in the process of assuring the state that it will remain liable for mine operation, even though Genesis/Reett Silver Co. owns the mine. Asarco, which owned the mine from 1979 to 1993, is the only company legally permitted to operate the mine.

"They plan to submit something to us," North said. "We'll make sure it meets the requirements."

But the Cabinet Resource Group said those assurances should be in hand before hard-rock mining begins at the underground site again. The mine has been dormant for 11 years.

"There are so many red flags here," said Kim Wilson of Helena, the group's attorney. "Aren't there enough red flags for the department to take a more affirmative position?"